

Application No. 10/597,850  
Amendment dated March 23, 2009  
Reply to Office Action of December 23, 2008

Docket No.: 20794/0205078-US0

**AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes changes to the single Figure.

Attachment:        One (1) Replacement sheet

### **REMARKS**

Claims 6-12 are pending in the application. The drawings were objected to. Claim 10 was objected to. Claims 6, 7, 9-12 were rejected under 35 U.S.C. § 102(b) based on U.S. Patent No. 2,907,859 to Walkoe. Claim 8 was rejected under 35 U.S.C. § 103(a) based on Walkoe in view of U.S. Publication No. 2003/0010221 to Berger et al. ("Berger").

The Specification and drawings have now been amended. Claim 10 has now been amended. Claims 1-5 have previously been cancelled without prejudice. Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

### **Objections to the Drawings**

The drawings were objected to under 37 CFR 1.83(a)

The Fig. has now been amended to include a return element 9 in the form of a spring. Support for this amendment may be found, for example, in the Specification, at paragraph [0019].

The Specification has now been amended to indicate that the schematic feature indicated by reference numeral 8.4 may represent either of the spring device or damping device recited in claim 12. Support for this amendment may be found, for example, in the Specification, at paragraph [0026].

Withdrawal of the objection to the drawings is respectfully requested.

### **Status of the Specification.**

Paragraph [0019] of the Specification has now been amended to include reference numeral 9 indicating the return element previously described therein. Paragraph [0021] has now been amended to set forth that a damping means can be used instead of a spring means. Support for this amendment may be found, for example, in the Specification, at paragraph [0026]. No new matter has been added.

### **Objections to the Claims**

Claim 10 was objected to for informalities, specifically a typographical error. Claim 10 has now been amended in accordance with the Examiner's suggestion.

### **Rejections Under 35 U.S.C. § 102**

Claims 6, 7 and 9-12 were rejected under 35 U.S.C. § 102(b) based on U.S. Patent No. 2,907,859 to Walkoe.

Walkoe describes an oven with an oven door opener mechanism that includes an electrically heated ram actuator unit 42 and opens the oven door in accordance with a timer or a thermostat. See Walkoe, column 2, lines 1-15, and column 4, lines 67-70. Once the door is pulled open a projection 38 and spring mounted cam follower 40 hold the door in a partially open position. See Walkoe column 4, lines 57-65. When the ram actuator unit 42 is moved into the opening position, it switches a limit switch 68 into the open circuit position, which breaks the circuit to the heating element 66 of the actuator unit. See Walkoe, column 6, line 71, to column 7, line 23. Thus, the lower sections of the ram actuator unit move back to their original positions, but the upper parts of the ram actuator unit 42 and the bell crank 58, which physically pushes the doors open, remain in the opening position. See Walkoe, column 7, lines 30-34. Moreover, the door is held open by the projection 38 and follower 40. See Walkoe, column 7, line 3-4.

Independent claim 6 of the present application recites "automatically returning the door from the open position to the closed position when a physical quantity falls below a predetermined threshold value stored in a memory of the cooking appliance control system."

Similarly, independent claim 7 of the present application recites a cooking appliance control system having a memory, "the cooking appliance control system configured . . . to actuate the positioning motor so as to automatically return the door to the closed position when a physical quantity falls below a predetermined threshold value stored in the memory."

It is respectfully submitted that Walkoe does not disclose a method of automatically returning the door to a closed position in response to a physical quantity falling below a predetermined threshold, or a control system configured to do so, as respectively recited in claims 6 and 7. In contrast, the door of Walkoe is held open by a projection 38 and spring mounted cam

follower 40 once it has been opened, regardless of the state of the heating element 66 of the ram actuator unit 42. See Walkoe, column 4, lines 57-65 and column 7, lines 3-4, and Fig. 3. In fact, even the upper parts of the ram actuator unit 42 and the bell crank 58 that contacts the door remain in the extended position after the heating element 66 of the ram actuator unit has cooled. See Walkoe column 7, lines 30-34. As explicitly stated in Walkoe, "suitable means are provided to hold the door in the partially open position until its release by the cook." See Walkoe, column 2, lines 16-18. Thus, the door of Walkoe is not automatically returned to the closed position, or configured to do so, as respectively recited in claims 6 and 7. Moreover, the heating element 66 of the ram actuator 42 does not retract "when a physical quantity falls below a predetermined threshold value stored in [a] memory," as recited in claims 6 and 7. In contrast, the motion of the ram actuator 42 is configured to switch a limit switch 68, which breaks the circuit of the heating element 66. See Walkoe, column 6, line 72, to column 7, line 2. A material 65 then cools, allowing spring 52 to return the lower parts of the ram actuator 42 to their original position upon extension of the ram actuator. Accordingly, the lower parts of the ram actuator 42 are returned to the original position as soon as the material 65 associated with the heating element has cooled and not "when a physical quantity falls below a predetermined threshold value stored in [a] memory," as recited. Because Walkoe does not disclose at least the above recited features of independent claims 6 and 7, it cannot anticipate claims 6 or 7 or dependent claims 8-12.

Further with specific regard to claim 6, that claim is a method claim which recites "automatically returning the door from the open position to the closed position when a physical quantity falls below a predetermined threshold value stored in a memory of the cooking appliance control system." With respect to the assertion in the Office Action, that "the appliance is capable of closing the door when the temperature stored in its memory falls below a value since the device has all the necessary elements for performing this function" (see Detailed Action, page 4, lines 6-8), it is respectfully submitted that the alleged *capability* of the appliance to close the door does not teach the recited *method* step of claim 6 as would be required to anticipate this method claim. Nowhere does Walkoe disclose automatically returning the door from the open position to the closed position, as recited. In any event, as set forth above, Walkoe is not even capable of performing this feature.

Reconsideration and withdrawal of the rejection of claims 6, 7 and 9-12 under 35 U.S.C. § 102(b) in view of Walkoe is respectfully requested.

**Rejections Under 35 U.S.C. § 103**

Claim 8 was rejected under 35 U.S.C. § 103(a) based on Walkoe in view of U.S. Publication No. 2003/0010221 to Berger et al. (“Berger”).

Berger describes a steam cooking apparatus.

Claim 8 depends from claim 7. It is respectfully submitted that Berger does not cure the deficiencies of Walkoe with respect to claim 7, as set forth above. Berger does not teach or suggest a “cooking appliance control system configured . . . to actuate the positioning motor so as to automatically return the door to the closed position when a physical quantity falls below a predetermined threshold value stored in the memory,” as recited in claim 7. In contrast, Berger merely describes a steam cooking apparatus. Berger does not teach or suggest that the door of the steam cooking apparatus or any elements in connection with the door includes any of the recited features. Accordingly, any combination of Walkoe and Berger, to the extent proper, could not render claim 7 obvious. Claim 8 is patentable over any combination of Walkoe and Berger for at least the same reasons as claim 7 is.

Reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. § 103(a) based on Walkoe in view of Berger is respectfully requested.

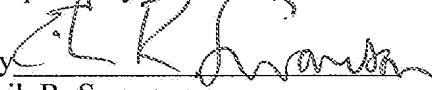
**CONCLUSION**

In view of the above amendment, applicants believe the pending application is in condition for allowance.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 04-0100.

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Respectfully submitted,

By 

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